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OFFICE OF PETITIONS

In re Patent No. :
7,238,674 :
Issue Date: July 3, 2007 : **DECISION ON PETITION**
Application No. 10/092,454 :
Filed: March 5, 2002 :
Attorney Docket No. 0800-0009.08 :

This is a decision on the renewed petition filed October 14, 2008, requesting under 37 CFR 1.182 that the acceptance of the terminal disclaimer filed December 18, 2003 be withdrawn and replaced with the terminal disclaimer filed July 18, 2008.

On renewed petition, patentees maintain the corrected terminal disclaimer seeks to correct typographical errors and name the current assignee.

The petition is **DISMISSED**.

Unfortunately the above-identified application issued as a patent. Once a patent issues, the USPTO will not remove the effect of a recorded terminal disclaimer. See Manual of Patent Examining Procedure (MPEP) § 1490(B); Bayer AG v. Carlsbad Technology Inc., 64 USPQ2d 1045, 1048-49 (Fed. Cir. 2002).

Further, to the extent petitioner seeks to correct typographical errors the appropriate manner is via a certificate of correction. See MPEP 1490 VII B. In order to name the current assignee, patentee can seek recordation of the terminal disclaimer filed on July 18, 2008.

Telephone inquiries related to this decision should be addressed to the undersigned at (571) – 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions